

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00365

**John Lee Woods,**  
*Plaintiff,*

v.

**Warden Brian Cooper et al.,**  
*Defendants.*

**ORDER**

Plaintiff John Lee Woods, an inmate of the Texas Department of Criminal Justice – Correctional Institutions Division proceeding pro se, filed this civil action complaining of alleged deprivations of his constitutional rights. Plaintiff sought leave to proceed *in forma pauperis* and filed an *in forma pauperis* data sheet reflecting a six-month average balance of \$502.38. Under the *in forma pauperis* statute, 28 U.S.C. § 1915(b), the district court must assess an initial partial filing fee of the greater of the average monthly deposits or the average monthly balance in the prisoner’s account for the preceding six months. In accordance with this statute, the court assessed an initial partial filing fee of \$100.00. The data sheet reflected that Plaintiff had an account balance of \$124.78.

The order assessing the initial partial filing fee specifically stated that “the plaintiff is responsible for timely payment of the initial partial filing fee” and that plaintiff must execute all consents and other documents required by the custodial agency to authorize the necessary withdrawals from the account. The order also provided that plaintiff could show that he had insufficient means to pay the fee by furnishing a current data sheet.

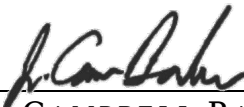
After plaintiff failed to pay the initial partial filing fee, the magistrate judge to whom the case was referred issued a report recommending dismissal of the case for failure to prosecute or to obey an order of the court. Plaintiff filed objections stating that he believed this sum would be charged to his account because he was indigent

and that he had no way to pay the fee because he was “locked up.” Doc. 11. He did not allude to the order stating that he was responsible to pay the fee, nor the fact that he had sufficient money to cover the fee as of the date of the data sheet. He did not furnish a current data sheet to support his claim that he lacked sufficient assets, as instructed in the order; instead, he asked the court to send him paperwork to allow him to have money removed from his account, although all paperwork concerning inmate accounts must be obtained at the prison and not from the court.

Plaintiff does not present any valid justification for failing to comply with the court’s order to pay an initial partial filing fee as required by statute or to show insufficient assets by furnishing a current inmate account data sheet. The order made clear what was required from him. Plaintiff’s objections are without merit.

Having reviewed the magistrate judge’s report and the objections de novo, the court overrules plaintiff’s objections and accepts the report’s findings and recommendations. The court dismisses this case without prejudice.

*So ordered by the court on December 1, 2022.*

  
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J. CAMPBELL BARKER  
United States District Judge